

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIAM HELM, et al.,

No. C 08-01184 SI

Plaintiffs,

**ORDER DENYING DEFENDANT'S
MOTION TO COMPEL DEPOSITION
[Docket No. 194]**

v.

ALDERWOODS GROUP, INC,

Defendant.

Defendant has filed a discovery motion seeking to compel the deposition of Heidi Fontaine, who submitted two affidavits in support of plaintiffs' motion for class certification. Ms. Fontaine is not currently a named plaintiff in this matter, and plaintiffs' counsel have stated that they are unable to contact or produce Ms. Fontaine for deposition. Defendant has apparently been unable to contact Ms. Fontaine at her last known address, or to obtain an updated address.

In light of the foregoing, the Court hereby STRIKES Ms. Fontaine's affidavits from the record and DENIES defendant's motion to compel deposition of Ms. Fontaine.

IT IS SO ORDERED.

Dated: October 28, 2009


SUSAN ILLSTON
United States District Judge